

A regular meeting of the Carrboro Board of Aldermen was held on May 28, 1985 at 7:30 p.m. in the Town Hall Board Room, the regular place of meeting.

Present and presiding:

Mayor	James V. Porto, Jr.
Aldermen	Joyce Garrett
	Doug Anderson
	Hilliard Caldwell
	John Boone
	Jim White
	Zona Norwood
Town Manager	Robert W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JOHN BOONE THAT THE MINUTES OF MAY 21, 1985 BE APPROVED. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/STONE CREEK TOWNHOUSES

Greg Shepard, Zoning Administrator, was sworn in. Mr. Shepard stated that David Morris and Tim Holleman have applied for a conditional use permit which would allow construction of 15 townhouse units in an architecturally integrated subdivision on a 1.1 acre parcel located on Highway 54 Bypass adjacent to the north side of the Harris Distributors' property. This parcel is identified as Tax Map 114, Lot 17B and is zoned Residential-3. Mr. Shepard stated that the administration was recommending approval of the conditional use permit with the following conditions:

1) That the proposed fire hydrant shall be installed and in working condition prior to framing of any of the proposed buildings.

2) That a plat is prepared and recorded dedicating a pedestrian and bicycle easement to the Town of Carrboro 20 feet in width along the property line which parallels Tom;s Creek, and that said plat shall be recorded no later than the issuance of occupancy permits for Phase I.

3) That the proposed freestanding sign shall only be permitted to be externally lit, if lighting is desired.

4) That the name of the development is revised so as not to be phonetically similar to others in Carrboro's jurisdiction.

Mr. Shepard stated that the Appearance Commission was recommending approval of the permit with the following conditions:

1) That any existing trees noted to remain on the site plan shall be replaced if lost due to construction or related activities. The replacement trees should be of a similar species to those lost and be at least 3" in caliper size.

2) That any signs to be used in the project be made of routed/painted wood and that the signs be externally lit, if lighting is desired.

Steve Chandler, Vice-Chairman of the Planning Board, was sworn in. Mr. Chandler stated that the Planning Board was recommending approval of the permit with the conditions recommended by the town staff.

Frances Shetley, Chairman of the Transportation Advisory Board, was sworn in. Ms. Shetley stated that the Transportation Advisory Board was recommending approval of the permit

with the staff recommendations and the addition of the following condition:

1) That a deceleration lane is added on the west side of Highway 54 Bypass with the following dimensions: That at the northwest corner of the entrance to Harris Distributors and Highway 54 Bypass the lane shall be 12' wide and 20' long and shall then taper from 12' to 0' in a distance of 100 linear feet; the entire taper being 120' in length.

Roy Williford, Planning Director, was sworn in. Mr. Williford stated that it had been his decision that the staff was not recommending that the deceleration lane be required due to there being a left turn lane serving this property.

Dwane Cohen, representing Coulter Associates, landscape architect for the developer, was sworn. Mr. Cohen explained the drainage pattern for this project, noted that the minimum amount of grading will be done in an effort to save as many existing trees as possible. Mr. Cohen stated that if the town imposed the provision of the 60' setback from the stream, only about five units could be built on this property.

Mayor Porto requested that letters from K.B. Old, Jr., Chief, Flood Plain Management Services Branch of the Army Corps of Engineers and a letter from Timothy A. Holleman be entered into the records of this meeting. (See Town Clerk's file of this meeting for a copy of these letters)

MOTION WAS MADE BY HILLIARD CALDWEL AND SECONDED BY JOHN BOONE THAT THE PUBLIC HEARING BE CLOSED AS NO ONE ELSE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT, YES, THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT, YES, THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE AND THE BOARD FINDS THAT THE APPLICANT HAS IN GOOD FAITH MADE SUBSTANTIAL EXPENDITURES IN RELIANCE ON THE LAND USE ORDINANCE BEFORE THE MARCH 26, 1985 AMENDMENT ADDING THE 60' STREAM SETBACK REQUIREMENT AND THEREFORE SHOULD BE ALLOWED TO CONSTRUCT THE DEVELOPMENT WITHOUT REGARD TO THIS AMENDMENT. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE APPLICATION BE GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:

1) THAT THE PROPOSED FIRE HYDRANT SHALL BE INSTALLED AND IN WORKING CONDITION PRIOR TO FRAMING OF ANY OF THE PROPOSED BUILDINGS.

2) THAT A PLAT BE PREPARED AND RECORDED DEDICATING A PEDESTRIAN AND BICYCLE EASEMENT TO THE TOWN OF CARRBORO 20 FEET IN WIDTH ALONG THE PROPERTY LINE WHICH PARALLELS TOM'S CREEK, AND THAT SAID PLAT BE RECORDED NO LATER THAN THE ISSUANCE OF OCCUPANCY PERMITS FOR PHASE I.

3) THAT THE PROPOSED FREESTANDING SIGN ONLY BE PERMITTED TO BE PHONETICALLY SIMILAR TO OTHERS IN CARRBORO'S JURISDICTION.

4) THAT THE NAME OF THE DEVELOPMENT BE REVISED SO AS NOT TO BE PHONETICALLY SIMILAR TO OTHERS IN CARRBORO'S JURISDICTION.

5) THAT ANY EXISTING TREES NOTED TO REMAIN ON THE SITE PLAN BE REPLACED IF LOST DUE TO CONSTRUCTION OR RELATED ACTIVITIES. THE REPLACEMENT TREES SHOULD BE OF A SIMILAR SPECIES TO THOSE LOST AND BE AT LEAST 4 INCHES IN CALIPER SIZE.

6) THAT AT LEAST TWO TRASH RECEPTACLES BE PLACED ON THE

BUILDING SITE AND THAT THE DEVELOPER BE REQUIRED TO KEEP THE SITE REASONABLY FREE OF TRASH.

7) THAT A DECELERATION LANE BE ADDED ON THE WEST SIDE OF HIGHWAY 54 BYPASS WITH THE FOLLOWING DIMENSIONS: AT THE NORTHWEST CORNER OF THE ENTRANCE TO HARRIS DISTRIBUTORS AND HIGHWAY 54 BYPASS THE LANE SHALL BE 12 FEET WIDE AND 20 FEET LONG AND SHALL THEN TAPER FROM 2 FEET TO 0 FEET IN A DISTANCE OF 100 LINEAR FEET; THE ENTIRE TAPER BEING 120 FEET IN LENGTH.

VOTE: AFFIRMATIVE ALL

8) THAT THE PROPERTY OWNER PETITION FOR VOLUNTARY ANNEXATION PRIOR TO FINAL PLAT APPROVAL FOR THE FINAL PHASE. (A COMPLETED PETITION FOR ANNEXATION MUST BE SUBMITTED TO THE TOWN OF CARRBORO AT LEAST 22 DAYS PRIOR TO THE ANTICIPATED FINAL PLAT APPROVAL DATE. A COPY OF THE ANNEXATION PETITION FORM MAY BE OBTAINED FROM THE CARRBORO ZONING OFFICE.)

VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (GARRETT)

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/MOSSWOOD

Greg Shepard, Zoning Administrator, was sworn in. Mr. Shepard stated that Greensboro Street Associates has applied for a conditional use permit which will allow construction of a combination of 51 single-family units and 119 multi family units on a 29.8-acre site located on the north side of North Greensboro Street between Bolin Forest Drive and Morningside Drive. The parcel is identified as Tax Map 30, Lots 2 and 2C and is zoned Residential-S.I.R.-2 (Suitable for Intensive Residential).

Mr. Shepard explained the project and stated that the administration was recommending approval of the permit with the following conditions:

1) That a plat be prepared and recorded dedicating an additional 10 feet of right-of-way along the property frontage on North Greensboro Street no later than the issuance of any certificates of occupancy for Phase I.

2) That clearing and construction be done in phases as specified in the erosion control plan to be approved by the Orange County Erosion Control Officer.

3) That construction traffic for the installation of all public facilities including roads and underground utilities in the single-family portion of the development shall be required to use the proposed private road proposed through the multi-family portion of the development.

4) That fire hydrants shall be installed and in working condition prior to framing of buildings for each phase.

5) That all necessary easements for utilities shall be secured and verified to the town staff prior to issuance of a building permit.

6) That improvements to North Greensboro Street along the property's frontage shall be one-half of a 46' face-to-face road section and will include approximately 13 feet of additional paved surface with curb and gutter and a standard 4 foot sidewalk along the north side. In addition, a 350 foot taper lane (starting with a 12 foot width and tapering to 0 feet) shall be constructed west of and beginning at the southeastern property corner of "Tract 1" as shown on the submitted plan.

7) That if Pathway Drive is not planned for connection from the Bolin Forest property by the completion of development of the single-family portion of Mosswood, then a permanent cul-de-sac built to town standards shall be constructed by the developer by the completion of the single-family portion of the development or provide performance

security satisfactory to the Board of Aldermen to guarantee its construction within a specified period.

8) That the developer will enter into an agreement whereby, in consideration of the town accepting the public streets on a phase-by-phase basis, the developer will repair any damage to such streets caused by construction traffic, and that this agreement be backed by a letter of credit or other acceptable performance security.

Mr. Shepard stated that the Appearance Commission was recommending approval of the permit with the following conditions:

1) That any signs used in the project be made of routed/panted wood, and be externally lit, if lighting is desired.

2) That the fitness trails be located at least thirty feet from the western property line of the project.

3) That any existing trees noted to remain on the site plan be replaced if lost due to construction or related activities. Replacement trees should be of a similar species as those lost and be at least 3" in caliper size.

Steve Chandler, Vice-Chairman of the Planning Board, was sworn in. Mr. Chandler stated that the Planning Board was recommending approval of the permit with the staff recommendations and with the addition of the following condition: That Mosswood assure that adequate screening be provided between the multi-family portion of this development and the proposed single-family housing across Bolin Forest Drive.

David Bonk, the town's Transportation Planner, was sworn in. Mr. Bonk stated that the Transportation Advisory Board was recommending approval of the permit with all the staff recommendations with the exclusion of #3.

Phillip Post, the developer's consulting engineer, was sworn in. Mr. Post presented a model of the proposed project and stated that this development provides 5.8 units per acre containing a housing mix to be constructed in three phases. Mr. Post stated that the developer was willing to have all the heavy construction vehicles use the private road through the multi-family portion of the development. A minimum amount of grading will be done on the site. Mr. Post stated that the project would have to be redesigned in order to use the private drive as the permanent access to this project.

Robert Swiger, Fire Chief, was sworn in. Chief Swiger stated that the proposed access would give sufficient access to serve the single-family portion of the project adequately and would provide for an acceptable response time.

David Smith, representing Bolin Forest Property Owners Association, was sworn in. Mr. Smith presented a letter explaining the Association's objections to this project. (See Town Clerk's file of this meeting for a copy of letter.)

Steve Oglesbee, President of the Webbwood Homeowners Organization, was sworn in. Mr. Oglesbee presented a position paper expressing the Webbwood Homeowners Organization's objections to the proposed project and also presented a petition signed by the Webbwood homeowners speaking in opposition to this project. (See Town Clerk's file of this meeting for a copy of the position paper and petition.)

Bob Anderson, developer of Bolin Forest, was sworn in. Mr. Anderson pointed out some discrepancies in the site plan, spoke against allowing rental housing at the entrance to this project, presented photographs of existing vegetation on the proposed building site, and stated that the developers of this project were not providing appropriate buffers between this development and the surrounding property. Mr. Anderson expressed his concern that the lot sizes are insufficient.

John Morris, representing Goforth Properties and Greensboro Street Associates, was sworn in. Mr. Morris explained the discrepancies in the site plan, stated that the tree line is accurate as depicted on the site plan, stated that he would prefer not to destroy the natural buffer for construction of the private road to accommodate construction vehicles, stated that redesigning the project to build the multi-family units last would not be feasible, and stated that he would be willing to spend time with the adjacent property owners to work through their concerns about the project.

Tom Kennedy, developer of Spring Valley, was sworn in. Mr. Kennedy stated that he was asked to mark all 18" trees on his project and thought this developer should also be asked to do the same.

Corinne Reardon, residing at 205 Forest Court, was sworn in. Ms. Reardon presented drainage calculation determining the effect of the Mosswood Subdivision on the creek that runs parallel to Bolin Forest Drive and Bolin Creek Drive. (See Town Clerk's file of this meeting for a copy of these calculations.)

Bill Foreman, representing the John McAdams Company, the town's consulting engineer, was sworn in. Mr. Foreman presented information on storm drainage calculations. (See Town Clerk's file of this meeting for a copy of this information.)

Susan McCain, a resident of Bolin Forest, was sworn in. Ms. McCain expressed her concern that the creek will not hold the additional run-off from this proposed project.

Tom Snyder, a resident of Webbwood and an Assistant Professor at the UNC Department of City and Regional Planning, was sworn in. Mr. Snyder stated that the proposed development is not compatible with the surrounding neighborhoods as this development is much more dense given the shape of the site. Property values of surrounding properties will be affected if the noise sources are not taken into account and positioned correctly. Expressed concern that Webbwood streets will be turned into collector roads. Suggested that cluster units such as those in Bolin Forest be built instead of the proposed multi-family units. And stated that a collector road is needed to Estes Drive or Seawell School Road to alleviate traffic problems in this area.

Margie Champion was sworn in. Ms. Champion stated that it was very important for the road issue to be resolved before more development is done in this area.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THIS PUBLIC HEARING BE CONTINUED UNTIL JULY 23, 1985. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING/FY'85-86 MANAGER'S BUDGET

Mayor Porto asked if there was anyone present wishing to make comments on the proposed budget for Fiscal 1985-86.

No one wished to make any comments.

Mr. Morgan pointed out that this public hearing was to include comments on the use of General Revenue Sharing Funds.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT THIS PUBLIC HEARING BE CONTINUED ON JUNE 4, 1985. VOTE: AFFIRMATIVE ALL

EXCHANGE OF REAL PROPERTY

Greg Shepard, Zoning Administrator, stated that the administration has negotiated an exchange of town-owned property for property owned by Andrew and Hazel Burnette. The town tract is located along the western border of the

Estes Park Apartments and is identified as Tax Map 94, Block A, Lot 21. The Burnette tract is a portion of a larger tract owned by the Burnette's adjacent to the town tract and is identified as Tax Map 94, Block A, Lot 16.

Mr. Shepard stated that the administration was requesting authorization from the Board of Aldermen to consummate this transaction.

The following resolution was introduced by Alderman Hilliard Caldwell and duly seconded by Alderman Doug Anderson.

A RESOLUTION AUTHORIZING THE EXCHANGE OF PROPERTY
Resolution No. 42/84-85

WHEREAS, the Town of Carrboro is the owner of a tract of land containing approximately 22,215 square feet located along the western border of the Estes Park Apartments, which property is identified as Tax Map 94, Block A, Lot 21 and is more particularly described as follows:

All that certain tract or parcel of land situated, lying and being in the Town of Carrboro, North Carolina and adjoining other property formerly belonging to the Town of Carrboro (now the Estes Park Apartments) and conveyed to it by deed of C.C. Hancock and wife and more particularly described as BEGINNING at an iron stake the southwest corner of that property and running thence with the line of that property north 23 degrees 54' east 184.41 feet to a stake; running thence south 82 degrees 07' West 108.31 feet to a stake in the line of the property allotted to Joe G. Hogan; running thence with the line of that property south 24 degrees 30' east 244.10 feet to a stake; running thence north 49 degrees 43' east 105.87 feet to the Beginning, containing .51 of an acre, more or less, as surveyed by Thomas L. Hardy in April, 1961. Being part of the same land conveyed to Algie J. Johnson and wife by deed of Joe G. Hogan and others dated April 2, 1956, and recorded in the Office of the Register of Deeds in Orange County in Book 158, at Page 521, and being the same property conveyed to the Town of Carrboro by deed of Algie Joe Johnson and wife Julie Hester Johnson dated April 21, 1961 and recorded in Book 184, Page 630 of the Orange County Registry.

WHEREAS, Andrew and Hazel Burnette are the owners of a tract of land containing approximately 21,780 square feet located just to the west of the Carrboro tract at the end of Crest Street, which tract is referred to as the Burnette tract and is more particularly described as follows:

BEGINNING at a point in the northern right of way of Crest Street located near the western terminus of Crest Street, the southwest corner of the property described in Deed Book 238, Page 1727 of the Orange County Registry; running thence north 58 degrees 35' 24" west 318.56 feet to a point; thence north 12 degrees 09' 05" west 96.6 feet to a point; thence south 58 degrees 35' 24" east 230 feet to a point; thence south 44 degrees 27' 21" east 167.45 feet to a point; thence south 45 degrees 24' 37" west 30 feet to the point and place of beginning, all as shown on a plat entitled, Crest Street Apartments, prepared by John R. McAdams Company and dated October, 1984, and which tract is part of a larger tract conveyed to the Burnette's by a deed recorded in Book 279, Page 246 of the Orange County Registry.

WHEREAS, the town wishes to acquire the Burnette tract for use in extending the right-of-way of Crest Street and the Burnette's desire to acquire the town tract so that the town tract can be combined with other property owned by the Burnette's (the larger tract referred to above less the

Burnette tract) and conveyed to Mr. Harold Williams as the site for the proposed Crest Street Apartments; and

WHEREAS, the value of the town tract is approximately \$5,265.00 and the value of the Burnette tract is approximately \$5,162.00.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro resolves:

Section 1. The Board finds that, by exchanging the town tract for the Burnette tract, the town will have received a full and fair consideration for its property.

Section 2. The Board authorizes and directs the town manager and town clerk to execute on behalf of the town a deed of the above-described town tract to Andrew and Hazel Burnette and to accept in return a deed of the Burnette tract.

Section 3. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 28th day of May, 1985:

Ayes: Joyce Garrett, Doug Anderson, Hilliard Caldwell, John Boone, Jim White, Zona Norwood

Noes: None

Absent or Excused: None

FINAL PLAT APPROVAL/SPRING VALLEY SUBDIVISION, PHASE I, SECTION 3

Greg Shepard, Zoning Administrator, stated that Prairie Development, Ltd. has applied for final plat approval of Phase I, Section 3 of the Spring Valley Subdivision. A conditional use permit was granted by the Board of Aldermen on February 28, 1984 to allow construction of 146 single family and two-family units in an architecturally integrated subdivision. The property is located north of Webbwood Subdivision and is zoned Residential-S.I.R.-2.

Mr. Shepard stated that the administration was recommending approval of the final plat as well as authorization for occupancy.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT FINAL APPROVAL BE GRANTED AND OCCUPANCY AUTHORIZED. VOTE: AFFIRMATIVE ALL

FAIROAKS SUBDIVISION/CONDITIONAL USE PERMIT MODIFICATION REQUEST

Greg Shepard, Zoning Administrator, stated that the Westminster Company has applied for a conditional use permit modification for the purpose of clarification of two conditions on the approved conditional use permit granted by the Board of Aldermen on March 25, 1985.

The Board of Aldermen asked the Transportation Advisory Board to review two of the proposed changes in the Fair Oaks conditional use permit. The TAB reviewed and approved the changes as proposed and amended language concerning the connection of Pathway Drive. The proposed change in language has been included for review by the Board of Aldermen.

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY HILLIARD CALDWELL THAT THE CONDITIONAL USE PERMIT BE AMENDED AS RECOMMENDED BY THE TRANSPORTATION ADVISORY BOARD. VOTE: AFFIRMATIVE ALL

.*****

LIFE AND HEALTH INSURANCE FOR TOWN EMPLOYEES

Don Casper, Finance Director, stated that the administration has examined proposals from Municipal Insurance Trust (MIT) and Blue Cross Blue Shield (BCBS) to provide life and health insurance for town employees during fiscal 1985-86. Benefits under both proposals are almost identical. However, rates quoted by BCBS represent a savings of \$4,960.80 over those quoted by MIT.

Mr. Casper stated that the administration recommended that the Board of Aldermen authorize the Town Manager to enter into an agreement with BCBS to provide life and health insurance for town employees during fiscal 1985-86. In addition, Mr. Casper asked for the Board's authorization to allow employees to participate in the personal care option, if desired.

MOTION WAS MADE BY DOUG ANDERSON AND SECONDED BY ZONA NORWOOD THAT THE ADMINISTRATION'S RECOMMENDATION BE ACCEPTED. VOTE: AFFIRMATIVE ALL

.*****

E-Z RIDER/SHARED RIDE

Mr. Morgan informed the Board that it appears that there will be a deficit of approximately \$1,400 in the budget for the E-Z Rider/Shared Ride services. Mr. Morgan stated that the administration would prepare a budget amendment to bring back to the Board.

.*****

There being no further business, the meeting was adourned.

Sarah C. Williamson
Town Clerk

J. Post
Mayor